

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ARSENIO ANAYA,

Petitioner,

v.

No. CV 21-834 KG/CG

FNU HATCH, et al.,

Respondents.

**ORDER DENYING WITHOUT PREJUDICE
LEAVE TO PROCEED UNDER 28 U.S.C. § 1915**

THIS MATTER is before the Court on Arsenio Anaya's *Application to Proceed in District Court Without Prepaying Fees or Costs* (the "Motion"), (Doc. 7), filed December 22, 2021. In his Motion, Mr. Anaya states that he is unable to pay the costs of these habeas proceedings and, as such, seeks *in forma pauperis* status. (Doc. 7 at 1). Two weeks after filing the Motion, however, Mr. Anaya nevertheless paid the \$5.00 filing fee. See (Doc. 8). Additionally, at the Court's direction, the Clerk of the Court has already served Respondents with Mr. Anaya's habeas petition. See (Doc. 4). The Court thus finds that Mr. Anaya's Motion is moot and shall be **DENIED WITHOUT PREJUDICE**.

If there is some other benefit associated with *in forma pauperis* status, which Mr. Anaya has not already received, Mr. Anaya may refile an Application to Proceed in District Court Without Prepaying Fees or Costs. Further, if Mr. Anaya elects to refile, he must do so by no later than **March 1, 2022**, and he must attach to the application a six-month inmate account statement. See (Doc. 3).

IT IS THEREFORE ORDERED that Mr. Anaya's *Application to Proceed in District Court Without Prepaying Fees or Costs*, (Doc. 7), is **DENIED WITHOUT**

PREJUDICE to refiling on or before **March 1, 2022**.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', written over a horizontal line.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE